

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

\*\*\*\*\*

KRISTI BROTHERS,  
Charging Party/Appellant,

HRC CASE NO. 0121015581

-v-

ORDER  
FINAL AGENCY DECISION

MDOC PROBATION AND PAROLE,  
Respondent/Appellee.

\*\*\*\*\*

Charging Party, Kristi Brothers (Brothers), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in employment on the basis of sex, age and in retaliation for participating in protected human rights activities when it failed to transfer her, further resulting in her termination. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Brothers' allegations that Respondent, Montana Department of Corrections, Probation and Parole, unlawfully discriminated against Brothers. The Department issued a Notice of Dismissal. Brothers filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 13, 2013. Brothers appeared and argued on her behalf. McKenzie Hannan, attorney appeared and argued on behalf of Respondent, MDOC Probation and Parole. The Commission finalized its decision at a special meeting convened on March 28, 2013.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district

where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA.*

If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Kristi Brothers objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against MDOC Probation and Parole

DATED this 28<sup>th</sup> day of March, 2013.



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Cynthia Wolken, Acting Chair  
Human Rights Commission

### CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this 28<sup>th</sup> day of March, 2013.

KRISTI BROTHERS  
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MCKENZI HANNAN  
MDOC PROBATION & PAROLE  
5 S. LAST CHANCE GULCH  
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Annah Smith, Legal Secretary  
Montana Human Rights Bureau